IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8434 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

G S R T CORPN

Versus

RUKHADBHAI SARDULBHAI MARU

Appearance:

MR HARDIK C RAWAL for Petitioner

MR GK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 28/09/2000

ORAL JUDGEMENT

#. The petitioner, State Road Transport Corporation, challenges the award of the Labour Court Junagadh in Ref. (LCJ) No.311/1993 whereby the respondent is ordered to be reinstated with 20% backwages and costs.

#. The Learned Counsel for the petitioner pointed out that as noted in the impugned award the respondent was found, during the departmental enquiry, to be guilty of not issuing tickets after collecting fare. The Labour Court has interfered with the order of punishment only on the ground that the passengers present at the time of checking of the bus were not examined as witnesses during the departmental enquiry. The Learned Counsel further pointed out that the respondent had admitted the misconduct in his first appeal.

#. The Learned Counsel for the respondent submitted that after consideration of overall facts and circumstances, after appreciating the past record of the respondent and finding of dismissal to be too harsh a punishment, the Labour Court has made the impugned award. It is, however, fairly conceded that the respondent may be subjected to further punishment of loss of increments, maintaining the order of reinstatement. And in view of this statement the petitioner gave up the challenge to the order of reinstatement.

#. In view of the facts and submission as above, and on concession made by the respondent and without entering into the merits of the impugned award, the impugned order is modified to the extent that the respondent shall not be entitled to any backwages and, shall suffer a further punishment of stoppage of two increments with permanent effect. Subject to this modification, the respondent shall be reinstated with continuity of service within six weeks from today. Rule is made absolute accordingly with no order as to costs.

kks